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PATENT APPLICATION  
Attorney Docket No. D/96602Q2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Robert J. Meyer et al.

Application No.: 09/362,020

Filed: 7/27/1999

Examiner: Twyler Marie Lamb

Confirmation No. 6310

Art Unit: 2622

Title: **NON-PRINTING PATTERNS FOR IMPROVING  
FONT PRINT QUALITY**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

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CERTIFICATE OF MAILING

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5/20/2002

(Date of deposit)

Francis S. LePore

RESPONSE

In Response to the Office Action of February 28, 2002, Applicants have carefully considered the rejections of the Examiner in the above-identified application. In light of this consideration, Applicants believe that the claims remain allowable. Applicants respectfully request reconsideration of the rejection of the claims now pending in the application.

In this first Office Action of February 28, 2002, claims 1-7 are rejected under 35 U.S.C. §101 as not being within the statutory classes. Claims 1-4, 8, 9, 13-15, and 19-20 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,038,039 to Zeng (hereinafter Zeng). Claims 5-7, 10-12, and 16-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Zeng in view of U.S. Patent No. 5,459,828, to Zack et al. (hereinafter Zack).

The Examiner has rejected claims 1-7, under 35 U.S.C. §101 as not being within the statutory classes. The Examiner states that the terminology "an electronically stored font" appears to be printed matter, and rejects the claims as not within the statutory classes. The applicant must insist that "an electronically stored font" is not printed matter. The Printed matter doctrine is a narrow exception to the allowable statutory classes and as such is defined as involving a mere arrangement of printed matter on sheets of paper.

A far more sustainable analogy to "an electronically stored font" would be to analogize it as a data structure. Please note that the Federal Circuit Court has held that data structures are more than mere abstraction, indeed that data structures are specific electrical or magnetic structural elements in a memory.....they are not analogous to printed matter. The printed matter doctrine has no factual relevance where the invention, as defined by the claims in view of the specification, *requires* that the information be processed not by the mind, but by a machine, the computer. This is exactly the same scenario found herein with the present application. Therefore, the claims 1-7 are clearly within the recognized statutory classes. The allowance of claims 1-7 is respectfully requested.

Claims 1-4, 8, 9, 13-15, and 19-20 are rejected under 35 U.S.C. §102(e) as being anticipated by a U.S. Patent to Zeng. Zeng provides a scanner/printer system for smoothing the edges of text or line art and is described having a copyboard for an image original, a CCD, a PCI bus, edge smooth software and a laser printer. The edge smooth software adds variable size fill-in patterns of pixels to the image data scanned by the CCD at low resolution to smooth the edges of text or line art prior to printing at high resolution.

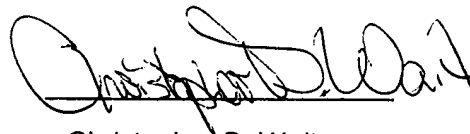
Nowhere within Zeng is there mention or teaching of auxiliary pixels, either by name or by functional equivalence. Auxiliary pixels are thoroughly explained in the applicant's specification. They are non-printing pixels which never-the-less will have a printing affect upon the original pixels which they

neighbor. Please see pages 8-10 starting with lines 22-35, on page 8, and ending at line 5 of page 10. Please also see the discussion of Figures 4-6 for explanation of the operation of the auxiliary pixel in combination with the toner cloud to change the toner piles upon the substrate. As Zeng neither teaches or names auxiliary pixels it cannot serve as a 35 U.S.C. §102 reference. Therefore claims 1-4, 8, 9, 13-15, and 19-20 are not anticipated. Allowance of claims 1-4, 8, 9, 13-15, and 19-20 is respectfully requested.

The Examiner has rejected dependent claims 5-7, 10-12, and 16-18 under 35 U.S.C. §103(a) as being unpatentable over Zeng in view of a U.S. Patent to Zack. As claims 5-7, 10-12, and 16-18 depend from independent claims deemed allowable they should be allowable as well. Allowance of claims 5-7, 10-12, and 16-18 is respectfully requested.

It is respectfully submitted that the present set of claims are patentably distinct over the cited references. In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby requested to call the undersigned attorney at (585) 423-6918, Rochester, NY.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher D. Wait", written over a horizontal line.

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